

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BERNARD ROSS HANSEN, and  
DIANE RENEE ERDMANN,

Defendants.

Case No. CR18-0092-RAJ

**MOTION TO CONTINUE  
SENTENCING**

NOTE ON MOTION CALENDAR:  
January 7, 2022

**I. INTRODUCTION**

Ross Hansen respectfully requests that this Court briefly continue his sentencing date so that he can provide much-needed care to his significant other, Diane Erdmann, as she undergoes a total hip replacement. Ms. Erdmann is currently scheduling two hip surgeries, six weeks apart, will need full-time, 24-hour care during this time and for two weeks afterwards. As Ms. Erdmann herself puts it, “the person in the best position to care for me during recovery is Ross Hansen.” *See* Declaration of Diane Erdmann (“Erdmann Decl.”) ¶ 5. She does not have any other family or friends capable of providing that care, and no income or remaining financial assets she could use to hire a full-time, 24-hour caretaker. *Id.* A brief continuance until March 18, 2022—a week before Ms. Erdmann’s

1 sentencing date<sup>1</sup>—would allow Mr. Hansen to provide the care to Ms. Erdmann that she needs during  
 2 her surgery and recovery.

## 3 II. BACKGROUND

4 Mr. Hansen was found guilty on July 30, 2021, of mail and wire fraud.<sup>2</sup> Dkt. 349. At that  
 5 time, sentencing was set for October 29, 2021. *Id.* On October 4, 2021, Mr. Hansen's counsel  
 6 requested a continuance of the sentencing in this case based on the conflicts of counsel and the  
 7 substantial work necessary to prepare for sentencing. Dkt. 367. The Court granted that motion, and  
 8 sentencing was rescheduled to January 7, 2022. Dkt. 382. On December 9, 2021, Diane Erdmann  
 9 moved to continue her sentencing date so that she could obtain total-hip-replacement surgery. Dkt.  
 10 391.

## 11 III. ARGUMENT

12 This Court has broad discretion to grant a request to continue the sentencing date. *See United*  
 13 *States v. Mejia*, 69 F.3d 309, 314 (9th Cir. 1995). In exercising that discretion, courts look to: (1)  
 14 the diligence of the party requesting the continuance; (2) the likelihood that the continuance will be  
 15 for a useful purpose; (3) the extent to which granting the continuance will prejudice the opposing  
 16 party; and (4) the extent to which the party requesting the party might suffer harm if the continuance  
 17 is not granted. *Id.*

18 Those factors favor the requested continuance here. Mr. Hansen has been diligent in  
 19 requesting the continuance, doing so shortly after Ms. Erdmann made her diligent motion seeking a  
 20 continuance to obtain the hip surgery. The continuance is for a useful purpose. Ms. Erdmann's hip  
 21 surgery is a necessary medical procedure, *see* Dkt. 391, and she will need full-time, 24-hour care

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22 <sup>1</sup> Ms. Erdmann's motion to continue indicates that her mental health evaluator supports a separate sentencing date for  
 23 Ms. Erdmann. Dkt. 359 at 3. Given that representation, Mr. Hansen requests a different sentencing date than Ms.  
 24 Erdmann's.

<sup>2</sup> One post-trial motion relating to Mr. Hansen remains pending. *See* Dkt. 359.  
 MOTION TO CONTINUE SENTENCING  
 (Case No. 18-cr-0092-RAJ) - 2

1 between her two surgeries and her recovery afterwards. As Ms. Erdmann explains in a declaration  
 2 attached to this motion, Mr. Hansen is the person best positioned to provide that care. Erdmann  
 3 Decl. ¶ 5. Indeed, she has no other friends or family who could do so, and no financial resources to  
 4 use to hire anyone else. *Id.*

5 A brief continuance would not result in significant prejudice to any party. Mr. Hansen has  
 6 consistently complied with the conditions of his release pending sentencing and has appeared for  
 7 every court appearance in this case. Nor would any party suffer harm. It would not delay any  
 8 recovery for the victims in this case, as Mr. Hansen has no financial resources to pay any restitution  
 9 or forfeiture. All a delay would do is it would allow Mr. Hansen to help his partner of more than 20  
 10 years recover from an arduous surgery by providing her the care she needs.

#### 11 IV. CONCLUSION

12 For the foregoing reasons, the Court should grant Mr. Hansen a continuance of his sentencing  
 13 until at least March 18, 2022.

14 DATED this 27<sup>th</sup> day of December, 2021.

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